

Senate File 489 - Introduced

SENATE FILE 489
BY COMMITTEE ON STATE
GOVERNMENT

(SUCCESSOR TO SSB 1068)

A BILL FOR

1 An Act relating to local and regional planning and creating a
2 state office of planning and geographic information systems
3 within the homeland security and emergency management
4 division of the department of public defense and making
5 appropriations.
6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. **29C.23 Office of planning and**
2 **geographic information systems created — appropriation.**

3 1. An office of planning and geographic information
4 systems is created within the homeland security and emergency
5 management division of the department of public defense
6 responsible for developing the state's interest in coordinated
7 and integrated local and regional land use planning, and for
8 administering a statewide geographic information and data
9 system. The duties of the office shall include all of the
10 following:

11 a. Planning coordination for which the office shall do all
12 of the following:

13 (1) Develop and coordinate smart planning educational
14 programming for planning professionals, elected officials, and
15 the public, as approved by the coordinating council created in
16 section 29C.24.

17 (2) Establish a publicly accessible electronic repository
18 for local and regional comprehensive plans.

19 (3) Provide an annual smart planning report to the governor
20 and general assembly by November 1.

21 (4) Administer and deliver smart planning technical and
22 financial assistance to regional organizations and local
23 governments.

24 (5) Establish an appeals process to allow for the review of
25 local comprehensive plans for qualification as a smart plan as
26 set out in section 28H.3, subsection 6.

27 (6) Work with other state agencies to incorporate the smart
28 planning principles set out in section 18B.1 into new and
29 existing programs, including the state's enterprise strategic
30 planning process, with consideration for providing incentives
31 for the use of smart planning principles.

32 (7) Provide staff support to the coordinating council for
33 the office of planning and geographic information systems.

34 (8) Provide staff support to the Iowa smart planning task
35 force established by 2010 Iowa Acts, chapter 1184, section

1 25, through December 31, 2012, in collaboration with the Iowa
2 association of regional councils, as organized by the councils
3 of governments established under chapter 28H.

4 *b.* The development of geographic information and data
5 management systems which shall include all of the following:

6 (1) Development and maintenance of a centralized geographic
7 information system enterprise and data distribution network.

8 (2) Provision of technical assistance to local, regional,
9 and state geographic information systems providers and users.

10 (3) Creation of standards for geographic information
11 systems and data for the centralized network.

12 2. Two full-time equivalent positions shall be designated
13 for this office commencing with the fiscal year beginning July
14 1, 2011. There is annually appropriated from the general fund
15 of the state two hundred thousand dollars to the homeland
16 security and emergency management division of the department of
17 public defense for the operation of this office.

18 Sec. 2. NEW SECTION. **29C.24 Coordinating council created.**

19 1. A coordinating council is created for the office of
20 planning and geographic information systems which shall consist
21 of the following twenty-one members:

22 *a.* One representative selected by the Iowa league of cities,
23 from a city having a population of five thousand or less
24 according to the most recent certified federal census.

25 *b.* One representative selected by the Iowa league of cities,
26 from a city having a population of more than five thousand and
27 less than twenty-five thousand according to the most recent
28 certified federal census.

29 *c.* One representative selected by the Iowa league of cities,
30 from a city having a population of twenty-five thousand or more
31 according to the most recent certified federal census.

32 *d.* One representative selected by the Iowa state association
33 of counties from a rural county not considered part of a
34 metropolitan statistical area according to the most recent
35 certified federal census.

1 *e.* One representative selected by the Iowa state association
2 of counties from an urban county considered part of a
3 metropolitan statistical area according to the most recent
4 certified federal census.

5 *f.* One representative selected by the Iowa association of
6 regional councils, as organized by the councils of governments
7 established under chapter 28H.

8 *g.* One representative from the state university of Iowa
9 selected by the university president.

10 *h.* One representative from the Iowa state university of
11 science and technology selected by the university president.

12 *i.* One representative from the university of northern Iowa
13 selected by the university president.

14 *j.* The directors or administrators or their representatives
15 from the following departments or divisions:

16 (1) Department of agriculture and land stewardship.

17 (2) Department of cultural affairs.

18 (3) Department of economic development.

19 (4) Department of management.

20 (5) Department of natural resources.

21 (6) Department of transportation.

22 (7) Homeland security and emergency management division of
23 the department of public defense.

24 *k.* Five representatives appointed by the governor.

25 2. The appointments made by the Iowa league of cities, Iowa
26 state association of counties, Iowa association of regional
27 councils, and governor shall be coordinated so that appointees
28 are appointed to three-year staggered terms and there is broad
29 geographic representation from around the state.

30 3. The council shall meet annually in May for the purpose of
31 electing one of its members as chairperson.

32 Sec. 3. NEW SECTION. **29C.25 Duties of the coordinating**
33 **council.**

34 The coordinating council shall do all of the following:

35 1. Establish priorities for the office of planning and

1 geographic information systems.

2 2. Make investment decisions relating to state funding
3 support for the office and for local smart plan development and
4 implementation.

5 3. Establish criteria for implementation of a statewide
6 geographic information system.

7 4. Establish technical advisory committees as necessary.

8 5. Review and qualify regional smart plans.

9 Sec. 4. NEW SECTION. **29C.26 Local planning grant program**
10 **— appropriation.**

11 1. The office of planning and geographic information
12 systems shall establish and administer a local planning grant
13 program to assist cities and counties in the development and
14 updating of local comprehensive plans. The grant program shall
15 require a local match of funding provided by the program.

16 2. Plans funded through this grant program shall
17 incorporate and be based upon the Iowa smart planning
18 principles set out in section 18B.1 and follow local
19 comprehensive planning and development guidelines as specified
20 in section 18B.2.

21 3. No more than one-half of the funds may be used to support
22 development of detailed implementation plans within five years
23 of adoption of a local comprehensive plan that incorporates the
24 smart planning principles and follows state guidance found in
25 sections 18B.1 and 18B.2.

26 4. The office shall encourage the development and updating
27 of multijurisdictional plans.

28 5. Commencing with the fiscal year beginning July 1, 2012,
29 there is annually appropriated from the general fund of the
30 state to the office five hundred thousand dollars for the
31 operation of this grant program.

32 Sec. 5. NEW SECTION. **29C.27 Smart planning education**
33 **program.**

34 1. A fund is established under the control of the office
35 of planning and geographic information systems to support the

1 development of a program to make smart planning educational
2 materials, workshops, and other necessary activities available
3 to professional planners, elected officials, and other
4 interested persons. The program shall be developed through
5 collaboration among the office, the Iowa league of cities, the
6 Iowa state association of counties, the Iowa association of
7 regional councils, and the three regents universities.

8 2. Programming shall focus on the benefits of smart planning
9 for cities, counties, and regional planning organizations, and
10 the components of smart planning in terms of plan elements and
11 plan implementation.

12 3. Programming shall reflect the Iowa smart planning
13 principles set out in section 18B.1.

14 4. The office shall develop and gather information and
15 examples which delineate the smart planning process and smart
16 planning principles. The office shall administer, gather, and
17 make accessible all of the following types of materials:

18 a. Model plans, ordinances, zoning codes, energy codes,
19 building codes, and permitting mechanisms.

20 b. Model regulatory mechanisms.

21 c. Examples of best practices and lessons learned from poor
22 planning and development decisions.

23 d. A clearinghouse of grant opportunities and contact
24 information for further assistance.

25 e. A menu of low-cost planning services available to cities,
26 counties, and regional planning organizations through nonprofit
27 and private organizations.

28 Sec. 6. Section 28H.1, Code 2011, is amended by adding the
29 following new unnumbered paragraphs:

30 NEW UNNUMBERED PARAGRAPH. A regional planning and
31 implementation entity shall be established or identified to
32 incorporate Boone, Dallas, Jasper, Marion, Polk, Story, and
33 Warren counties by January 1, 2015.

34 NEW UNNUMBERED PARAGRAPH. There is annually appropriated
35 seven hundred twenty thousand dollars from the state general

1 fund to the homeland security and emergency management division
 2 of the department of public defense for the support of regional
 3 planning administration, including local plan review and
 4 regional plan development, commencing with the fiscal year
 5 beginning July 1, 2012. These funds shall be distributed to
 6 each region in the amount of forty thousand dollars per region,
 7 and forty thousand dollars shall be distributed to the regional
 8 planning and implementation entity serving Boone, Dallas,
 9 Jasper, Marion, Polk, Story, and Warren counties once such an
 10 entity is identified.

11 Sec. 7. Section 28H.3, Code 2011, is amended by adding the
 12 following new subsections:

13 NEW SUBSECTION. 5. Prepare a regional comprehensive plan
 14 which shall be updated every five years. The plan shall be
 15 subject to the review and approval of the office of planning
 16 and geographic information systems created in section 29C.23,
 17 and shall do all of the following:

18 a. Integrate the Iowa smart planning principles set out in
 19 and follow the local comprehensive planning guidance provided
 20 under section 18B.1.

21 b. Integrate the watershed goals and strategies, developed
 22 by the department of natural resources set out in section
 23 466B.33, for any overlaying river basin or river region.

24 c. Outline a process for cooperation, collaboration,
 25 and decision making between member governments for
 26 multijurisdictional projects and programs.

27 NEW SUBSECTION. 6. Establish a planning review committee.

28 a. A planning review committee shall consist of seven to
 29 fifteen members. All members shall be Iowa residents. Members
 30 may be selected to represent, but shall not be limited to, the
 31 following groups or entities:

- 32 (1) City and county planning and zoning officials.
- 33 (2) City and county elected officials.
- 34 (3) Watershed planning entities.
- 35 (4) Real estate professionals.

1 (5) Developers of real property.

2 (6) Economic development organizations.

3 (7) Environmental organizations.

4 b. A planning review committee shall do all of the
5 following:

6 (1) Review local comprehensive plans for consistency with
7 the regional comprehensive plan, and provide member governments
8 with nonbinding guidance on the plans.

9 (2) Upon request by a local government, review local
10 comprehensive plans for qualification as a smart plan, on
11 behalf of the office of planning and geographic information
12 systems created in section 29C.23. A local comprehensive plan
13 shall be deemed qualified as a smart plan if the plan meets all
14 of the following criteria:

15 (a) Contains all of the comprehensive planning elements
16 referred to in section 18B.2, subsection 2.

17 (b) Addresses the prevention of, response to, and recovery
18 from catastrophic flooding.

19 (c) Considers all of the smart planning principles set out
20 in section 18B.1.

21 (3) Provides a letter of qualification to cities and
22 counties that are determined to have adopted a smart plan.

23 NEW SUBSECTION. 7. Annually measure and submit all
24 requested smart planning benchmark data to the office of
25 planning and geographic information systems.

26 Sec. 8. Section 466B.3, Code 2011, is amended by adding the
27 following new subsection:

28 NEW SUBSECTION. 7. *Staffing of councils.* The department of
29 natural resources shall assist in staffing the water resources
30 coordinating council and the watershed planning advisory
31 council established in section 466B.31.

32 Sec. 9. Section 466B.31, subsection 2, paragraph a, Code
33 2011, is amended by adding the following new subparagraph:

34 NEW SUBPARAGRAPH. (17) One member selected by the Iowa
35 association of regional councils, as organized by the councils

1 of governments established under chapter 28H.

2 Sec. 10. NEW SECTION. **466B.33 Watershed goals and**
3 **strategies.**

4 The department of natural resources, in collaboration
5 with the department of agriculture and land stewardship, the
6 United States natural resource conservation service, the Iowa
7 flood center, and the United States army corps of engineers,
8 shall create goals and strategies relating to soil and water
9 resources within watersheds useful to local and regional
10 planning efforts.

11 EXPLANATION

12 This bill relates to local and regional planning and
13 establishes an office of planning and geographic information
14 systems. The new office of planning and geographic information
15 systems, within the division of homeland security and emergency
16 management of the department of public defense, will be
17 responsible for developing the state's interest in local and
18 regional land use planning, and for administering a statewide
19 geographic information and data system. The bill assigns
20 duties for the office, including planning coordination and
21 geographic information systems and data management.

22 The planning coordination duties of the office include
23 the development and coordination of educational programming,
24 establishment of a repository of comprehensive plans, annual
25 reporting to the governor and general assembly, collaboration
26 with other state agencies to incorporate smart planning
27 principles in new and existing programming, establishment of
28 internal procedures, provision of support staff to the office's
29 coordinating council, and the provision of support staff to
30 the Iowa smart planning task force until the task force is
31 dissolved in December 2012.

32 The bill specifies that the duties of the office relating
33 to geographic information systems and data management include
34 the development and maintenance of a centralized geographic
35 information system enterprise and data distribution network,

1 the provision of technical assistance to local, regional, and
2 state users, and the creation of standards for the centralized
3 network.

4 The bill creates two full-time equivalent positions within
5 the office and allocates \$200,000 annually to the department of
6 economic development for the operation of the office.

7 The bill also creates the office's coordinating council,
8 consisting of 21 members with members selected by the Iowa
9 league of cities to represent one small city, one medium-sized
10 city, and one large city; members selected by the Iowa
11 association of counties to represent one rural and one urban
12 county; a member selected by the Iowa association of regional
13 councils; members selected by the presidents of the three
14 regents universities; members representing the departments of
15 agriculture and land stewardship, cultural affairs, economic
16 development, management, natural resources, and transportation,
17 and the homeland security and emergency management division of
18 the department of public defense, and members appointed by the
19 governor. Members are appointed to serve three-year staggered
20 terms from all geographic regions of the state.

21 The bill requires that the council establish priorities
22 for the office, make investment decisions, establish criteria
23 for the implementation of a statewide geographic information
24 system, establish technical advisory committees, and review and
25 qualify regional smart comprehensive plans.

26 The bill establishes a local planning grant program
27 within the office. The program is meant to assist cities and
28 counties in developing or updating local comprehensive plans.
29 The program requires that funds be used in the creation or
30 updating of a smart plan. Some funds may also be used for the
31 administration of these plans. The bill requires the office
32 to encourage multijurisdictional plans. The bill makes an
33 annual appropriation of \$500,000 from the general fund for the
34 operation of this program commencing in fiscal year 2012-2013.

35 The bill creates a smart planning education program,

1 and establishes a fund to develop educational materials
2 for professional planners and local elected officials. The
3 materials must focus on the benefits of smart planning to
4 communities and gather examples for dissemination. The
5 program, under the authority of the office, must be developed
6 in coordination with the Iowa league of cities, the Iowa state
7 association of counties, the Iowa association of regional
8 councils, and the three regents universities.

9 In relation to councils of governments, the bill requires
10 that Boone, Dallas, Jasper, Marion, Polk, Story, and Warren
11 counties be incorporated into a regional planning entity
12 by January 1, 2015. The bill also provides an annual
13 appropriation of \$720,000 commencing in fiscal year 2012-2013
14 to the division of homeland security and emergency management
15 of the department of public defense from the general fund for
16 the support of regional planning and administration. The bill
17 requires that these funds be distributed to each existing
18 region, and once identified to the region incorporating Boone,
19 Dallas, Jasper, Marion, Polk, Story, and Warren counties
20 beginning in fiscal year 2013.

21 The bill requires councils of governments to prepare
22 regional comprehensive plans, integrate smart planning
23 principles, integrate watershed goals and strategies, and
24 outline processes for cooperation between member governments.

25 The bill requires that councils of governments establish
26 planning review committees. The bill describes particular
27 groups that may serve on these review committees.
28 Representatives may include city and county planning and zoning
29 officials, city and county elected officials, individuals
30 from watershed planning entities, real estate professionals,
31 developers, individuals from economic development
32 organizations, or individuals from environmental organizations.

33 The bill sets out the duties of these planning review
34 committees to include the review of local comprehensive plans
35 for consistency with the regional comprehensive plan, the

1 provision of nonbinding guidance upon completion of such
2 review, the review of local smart plans, and the provision of
3 letters of qualification to cities and counties determined to
4 have adopted a smart plan.

5 The bill further requires that councils of governments
6 provide the office with all requested data related to smart
7 planning benchmarks.

8 The bill requires that the department of natural resources
9 staff both the water resources coordinating council and the
10 watershed planning advisory council.

11 The watershed planning advisory council is expanded by
12 one member to include a representative selected by the Iowa
13 association of regional councils.

14 The bill creates a new Code section for the establishment of
15 watershed goals and strategies, requiring that the department
16 of natural resources in collaboration with the department of
17 agriculture and land stewardship, the United States natural
18 resource conservation service, the Iowa flood center, and
19 the United States army corps of engineers develop goals and
20 strategies for local and regional planning efforts, relating to
21 soil and water resources of watersheds.

22 The bill may include a state mandate as defined in Code
23 section 25B.3.